

EXHIBIT A

1 Iverson, Yoakum, Papiano & Hatch
2 633 West Fifth Street, Suite 6400
3 Los Angeles, CA 90071
4 TELEPHONE: 213.624.7444

5 Lisa J. Borodkin (CA Bar #196412)
6 lb borodkin@i yph.com
7 *Admitted Pro Hac Vice*

8 Quarles & Brady LLP
9 Firm State Bar No. 00443100
10 Renaissance One, Two North Central Ave.
11 Phoenix, AZ 85004-2391
12 TELEPHONE 602.229.5200

13 John S. Craiger (#021731)
14 John.Craiger@quarles.com
15 David E. Funkhouser III (#022449)
16 David.Funkhouser@quarles.com

17 Attorneys for Defendant
18 Lisa Jean Borodkin

19 IN THE UNITED STATES DISTRICT COURT
20
21 FOR THE DISTRICT OF ARIZONA

22 XCENTRIC VENTURES, LLC, et al.,
23 Plaintiff,
24 v.
25 LISA JEAN BORODKIN, et al.
26 Defendants.

27 **No. 2:11-CV-01426-PHX-GMS**

28 **DECLARATION OF LISA JEAN
29 BORODKIN IN SUPPORT OF
30 MOTION FOR SANCTIONS
31 PURSUANT TO FED. R. CIV. P.
32 11**

33 (Assigned to the Honorable
34 G. Murray Snow)

35 (Oral Argument Requested)

1 I, Lisa J. Borodkin, declare,

2 I have first-hand, personal knowledge of the facts set forth below and, if called as a
3 witness, I could and would testify competently thereto.

4 1. I am an attorney at law, duly admitted to practice before all the courts of the
5 State of California and was co-counsel of record for the plaintiffs in Asia Economic
6 Institute LLC et al. v. Xcentric Ventures LLC et al., C.D.Cal. No. 10-cv-1360 ("the
7 California Action").

8 2. On May 10, 2010, Daniel Blackert advised me that he had received a return
9 telephone call from the California State Bar Ethics Hotline in response to a message he
10 had left regarding the May 7, 2010 deposition of Raymond Mobrez, and that the Ethics
11 Hotline had referred to some relevant materials.

12 3. On May 11, 2010, Blackert emailed me three California State Bar Ethics
13 Opinions and one case, *People v. Johnson*, 62 Cal. App. 4th 608 (Cal. App. 4th Dist.
14 1998), relevant to the situation at hand. Based on these authorities, Blackert and I
15 concluded that we could continue to represent the clients after taking appropriate remedial
16 action.

17 4. On May 11, 2010, Blackert and I received a settlement demand from
18 Xcentric, attached as Exhibit E to the Verified Amended Complaint in this action, that
19 demanded payment of \$25,000 in attorneys' fees as a condition of settlement. Blackert
20 and I were not authorized to accept a settlement that required payment of the defendants'
21 attorneys' fees.

22 5. On June 8, 2010, Plaintiffs took the Deposition of Defendant Edward
23 Magedson in the California Action. Attached hereto as **Exhibit "1"** are true and correct
24 copies of the caption page, pages 72-73 and the verification page of the official deposition
25 transcript of the June 8, 2010 deposition of Mr. Magedson. The full deposition transcript
can be provided at the Court's request.

26 6. Attached as **Exhibit "2"** is a true and correct copy of an August 10, 2011

1 email message I received from Ed Magedson, as well as earlier email messages I received
2 from David Gingras, counsel for Plaintiff in this action.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct.

5 Executed this 26th day of April 2012, in Los Angeles, California.

6 */s/ Lisa J. Borodkin*
7 Lisa J. Borodkin

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EXHIBIT “1”

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

3 ASIA ECONOMIC INSTITUTE, LLC, a)
4 California LLC; RAYMOND MOBREZ,)
5 an individual; and ILLIANA)
6 LLANERAS, an individual,)
7 Plaintiffs,)
8 vs.) Case No:
9 XCENTRIC VENTURES, LLC, an) 2:10-cv-01360-SVW-PJW
10 Arizona LLC, d/b/a as BADBUSINESS)
11 BUREAU and/or)
12 BADBUSINESSBUREAU.COM and/or)
13 RIP OFF REPORT and/or)
14 RIPOFFREPORT.COM; BAD BUSINESS)
15 BUREAU, LLC, organized and)
16 existing under the laws of)
17 St. Kitts/Nevis, West Indies;)
18 EDWARD MAGEDSON, an individual,)
and DOES 1 through 100,)
Inclusive,)
Defendants.)

19 Videotaped Deposition of EDWARD MAGEDSON,
20 taken on June 8, 2010 at the offices of
21 Jaburg & Wilk, P.C., 3200 North Central
22 Avenue, Suite 2000, Phoenix, Arizona,
23 commencing at 10:07 a.m. before Marcella
24 Daughtry, PPR and Arizona Certified Reporter.

25 PAGES 1 - 227

Page 1

1 confidential volunteer work in the community?

2 A Yes.

3 Q Is it in the Phoenix community?

4 A Yes. And I would say even nationwide.

5 Q Why do you do it? 11:45:43

6 A Because I love animals, so that tells you --

7 that tells you the story right there.

8 Q Does it concern animals?

9 A Yes.

10 Q And it doesn't concern people? 11:46:02

11 A Correct.

12 Q But you think that because of your work with
13 the animals, people could be subject to harassment?

14 A Yeah, so I'd be harassing -- I'd be subjecting
15 any organization that I do anything for or anything 11:46:16
16 else like that, I would. So, yeah.

17 Q I'm sorry, I don't understand.

18 A That would be yes, it would be.

19 Q Why do you think that?

20 A Because people who I'm sure you've already 11:46:28
21 reached out to and that have been mentioned are people
22 who are directly connected, and all have helped other
23 people to perform DDoS attacks, gotten people to try
24 to -- like Mr. Mobrez, to lie, which I'll assume, as
25 nice as you are -- that I think the two of you's are 11:46:49

1 nice people, that you're probably -- I would assume you
2 weren't aware of -- I don't know. I don't want to
3 really just say anymore.

4 But -- but that's not the only thing.

5 There is something else that I do that does, you know, 11:47:02
6 go with human rights, something else. Because I've
7 been a human rights activist, I would say since my teen
8 years, because I don't -- I don't like discrimination
9 and those kinds of things. So there is other things
10 that I do make time for and I'm involved with. 11:47:22

11 Q Is there any -- is there any of that that you
12 can tell us about today?

13 A No, it's better off I don't, because it's
14 just -- I don't want to say too much because it would
15 just cause a problem. 11:47:35

16 Q Okay. Do you donate any money?

17 A That's a question I don't even want -- I don't
18 want to answer. President Obama. But I'm asking for a
19 refund.

20 Q Are you? 11:48:03

21 A I'm kidding. No, I'm joking.

22 Q Is Ripoff Report a better known name than
23 Xcentric Ventures?

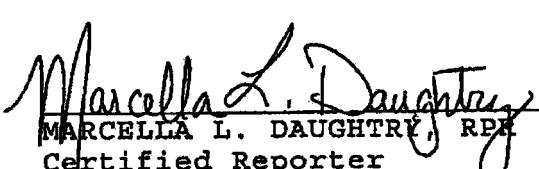
24 A Yes, of course. Yes. That's the trade name,
25 Ripoff Report. 11:48:53

1 STATE OF ARIZONA)
2) ss:
3 COUNTY OF MARICOPA)

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I HEREBY CERTIFY that the foregoing deposition was taken before me; that I was then and there a Registered Professional Reporter, and an Arizona Certified Reporter, Certificate No. 50623, in and for the State of Arizona; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter transcribed under my direction; and that the foregoing 227 pages contain a full, true, and accurate transcript of all deposition testimony and proceedings had, all done to the best of my skill and ability.

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18
19
I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties hereto, nor am I in any way interested in the outcome.

20
21
DATED at Phoenix, Arizona, this 21st day of June, 2010.

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MARCELLA L. DAUGHTRY RPR
Certified Reporter
Certificate No. 50623

Page 227

EXHIBIT “2”

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>



Lisa Borodkin <lborodkin@gmail.com>

Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit

ED - Rip-off Report <EDitor@ripoffreport.com>
To: lborodkin@gmail.com, lisa_borodkin@post.harvard.edu
Cc: david@gingraslaw.com

Wed, Aug 10, 2011 at 2:05 PM

Dear Lisa,

Sorry for all the confusion, sometimes attorneys and clients are not on the same page..

You don't need to respond to me on this, do respond to David.

To be clear, NO MONEY WOULD BE DEDUCTED for any information on Brewington. Not a dime. The only benefit to you would be, if you do provide information to us that you know would help us with Brewingtons other alleged activities to hurt Ripoff Report and myself.. the only thing that would get you is the following.

I would consider settling with you out of court, but, I would require you to stipulate to a judgment for \$100,000 as well..

Benefit to you, you would not have to go thru a long court battle. This amount will be much less than what I will be suing for. This is one court battle I will be looking forward to. I will be on a mission to get courts to punish lawyers like you and Blackert. What you did is disgusting, despicable and unforgivable. Courts need to start coming down on lawyers like you as well as prosecutors for misconduct.

The only way that judgment would get lowered is if I am successful in getting damages from your accomplices. But, my damages are way more than the \$100,000 .. You would be responsible for at least \$40,000 no matter what.. I intend on getting what I deserve as you almost devastated me and the business I built for the last 13 years and you stressed me out more than I had ever been before... I really want to have my chance to expose you. You are the reason lawyers get a bad name. You should be ashamed of yourself. Even though you kept telling everyone, .."I really like ED"

What I am offering you will get you to avoid a long and drawn out legal battle and will only make you look worse than you already do.

You can also start focusing on looking for a job instead of a legal battle.

In order to get me to settle out of court with you, you would also need to provide info on things you know John F Brewington did wrong. I know you can help in this area.

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>

You would also need to start, immediately paying on that judgment, \$10,000 down and \$5,000 a month. If not, I will see you in court.

But Lisa, "I really like you." .. Lisa, you are a phony and in my opinion, you should not be practicing law and you should be prosecuted. You're a real piece of work and an embarrassment to the entire law community and the Harvard School you went to.

If we have to file or answer another document for this case, this offer is off the table.

If you want to talk more specifics, contact David Gingras. I think we all now understand what page I am on.

ED Magedson - Founder
EDitor@RipoffReport.com
www.ripoffreport.com

..by consumers, for consumers



PO BOX 310, Tempe, AZ 85280

602-359-4357 when selection starts, press 5 ...then, three seconds later press 1... Say who you are!

Our mission:

- empower consumers
- defend the First Amendment
- expose wrongdoing
- help companies regain control

Do for others as you would want them to do for you
ED Magedson: Founder, Ripoff Report

[Follow Ripoff Report on Twitter](#)

[Follow me, Ed Magedson, on Twitter](#)

[Find us on Facebook](#)

From: David Gingras [mailto:david@gingraslaw.com]
Sent: Wednesday, August 10, 2011 11:33 AM
To: 'ED - Rip-off Report'
Subject: FW: ROR Lawsuit

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>

Ed,

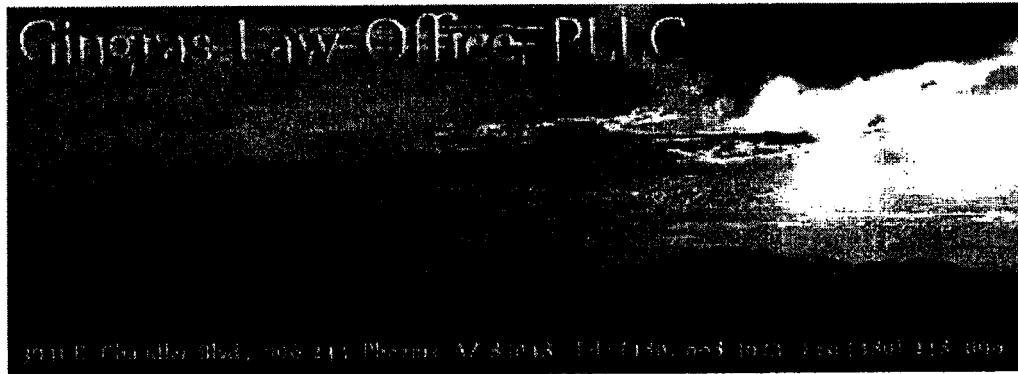
FYI – the reason I said \$100k is the amount of the judgment is because I called J&W and that's what your fees and costs were on the Asia case (the actual amount was technically \$99k and a little more, so I rounded it up to \$100k).

David S. Gingras, Esq.

David@GingrasLaw.com

Tel.: (480) 668-3623

Fax: (480) 248-3196



From: David Gingras [mailto:david@gingraslaw.com]
Sent: Wednesday, August 10, 2011 11:32 AM
To: david@gingraslaw.com; lbordokin@gmail.com
Cc: lisa_borodkin@post.harvard.edu
Subject: RE: ROR Lawsuit

Lisa,

Although you haven't responded to my email below, I need to let you know that apparently I misunderstood Ed – he's NOT willing to settle his claims against you based solely on information about Brewington. Instead, Ed said that his offer would require you to stipulate to a judgment for \$100,000, and if you provided information that resulted in Ed collecting any damages from Brewington, that amount would be deducted from the judgment against you.

Sorry about the miscommunication.

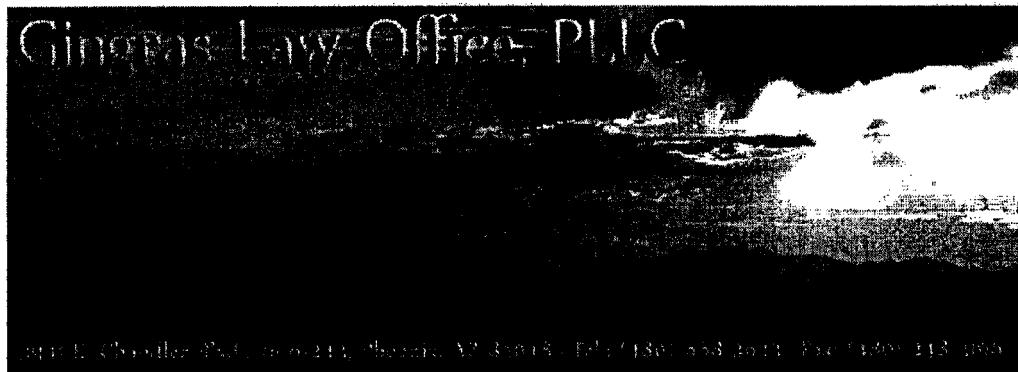
David S. Gingras, Esq.

David@GingrasLaw.com

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>

Tel.: (480) 668-3623

Fax (480) 248-3196



From: David Gingras [mailto:david@gingraslaw.com]
Sent: Monday, August 08, 2011 9:58 AM
To: 'lborodkin@gmail.com'
Cc: 'lisa_borodkin@post.harvard.edu'
Subject: RE: ROR Lawsuit

Lisa,

To follow up on our phone conversation last week, I have talked to Ed and he's not willing to resolve his claims against you in exchange for information about Dan's location. He also understands that obtaining money from you or Mr. Mobrez might be impossible, but that's not the sole point of the lawsuit. Ed feels he has to send a strong message to all the "haters" out there telling them that if they break the law when pursuing ROR, that conduct will have serious consequences. Standing alone, if we can prevent even one other person from bringing a case based on fabricated claims against ROR, this will have significant value to Ed.

Having said that, as much as Ed feels that it is important to send a message by making an example here, after talking about it, he said that it is possible we could reach an alternative resolution. How? Simple – Ed wants to know if you have any evidence that would implicate John Brewington in any sort of unlawful conduct. I understand you previously answered that question by saying no, but that was a long time ago, and maybe new information has come to light.

I know you're aware of the long history with Brewington, so there's no need to discuss all the details. It suffices to say that if you had solid, reliable information (really, it would have to be documents/emails/etc.) showing that Brewington did something unlawful either in connection with the Asia litigation or otherwise, that information could be extremely valuable to Ed and it might provide a basis for resolving Ed's claims against you. Of course, if the honest answer is that you have no such information, then that's fine...we have no interest in anything but discovering the truth. For my part, I am not now nor have I ever been very closely involved in any of Ed's disputes with Brewington (this is mainly Maria's thing), so I really don't know what information might be out there, but anything that shows Brewington participating in or encouraging any sort of unlawful conduct would probably be of the highest value to Ed.

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>

Because I know we talked about this before, I assume that you might have the same practical concerns – i.e., if you did have information to share, how could you know whether Xcentric would simply review the information and then say: “Yeah, that’s not good enough. No Deal.”? My answer to that is pretty simple – you would simply have to make a generalized proffer which described the type of information at issue, and we’d have to see if it sounded interesting enough to proceed. I think this could be done in such a way that Xcentric would not be able to “burn” you by taking the information, using it to our advantage, but then refusing to resolve the case against you. In other words, I would envision an arrangement wherein Xcentric agrees that it cannot use any of the information you provide for any purpose unless we reach a resolution on Xcentric’s claims against you. This is sort of what FRE 408 says anyway.

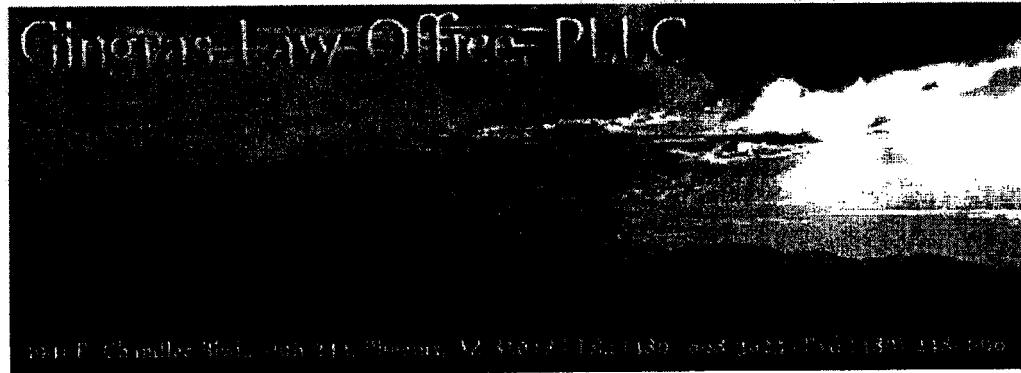
Of course, because you have always said that there wasn’t any helpful information to give, I don’t want to belabor this topic, but if you think you might want to discuss it as a possible way of resolving the case, I would be happy to hear whatever you have to say.

David S. Gingras, Esq.

David@GingrasLaw.com

Tel.: [\(480\) 668-3623](tel:(480)668-3623)

Fax: [\(480\) 248-3196](tel:(480)248-3196)



From: David Gingras [mailto:david@gingraslaw.com]
Sent: Wednesday, August 03, 2011 4:32 PM
To: iborodkin@gmail.com
Cc: lisa_borodkin@post.harvard.edu
Subject: ROR Lawsuit

Lisa,

I’m sorry to be reaching out to you this way, but I have a question for you. By now, I assume you’re aware of the lawsuit that Xcentric has commenced here in Arizona. Because I have no physical address for Dan, I mailed a copy of the Complaint, Summons, and a request for waiver of service to the PO box address that Dan has listed on the State Bar of California’s website. As reflected in the attached PDF, I just received notice from the post office that Dan’s address is invalid.

Gmail - Settlement offer, so we are all on the same page.. / RE: ROR Lawsuit <https://mail.google.com/mail/?ui=2&ik=0d9198f21b&view=pt&q=david....>

Because I have no other way of contacting him (I understand that the email address listed on the bar's website is also invalid, and I called the phone number they have for him but I got a strange voicemail recording that didn't sound anything like Dan), I wanted to see if you would be willing to provide me with whatever other address you may have for him. Obviously I can't require you to provide this, but I wanted to ask anyway.

If you don't have any other contact information for Dan or you're not willing to provide it to me, please let me know if you have any objection to Xcentric seeking leave from the court to perform early discovery on this issue. My thinking is that the California bar probably has a non-public address for Dan that I could obtain with a subpoena, so that's what I would seek leave to do.

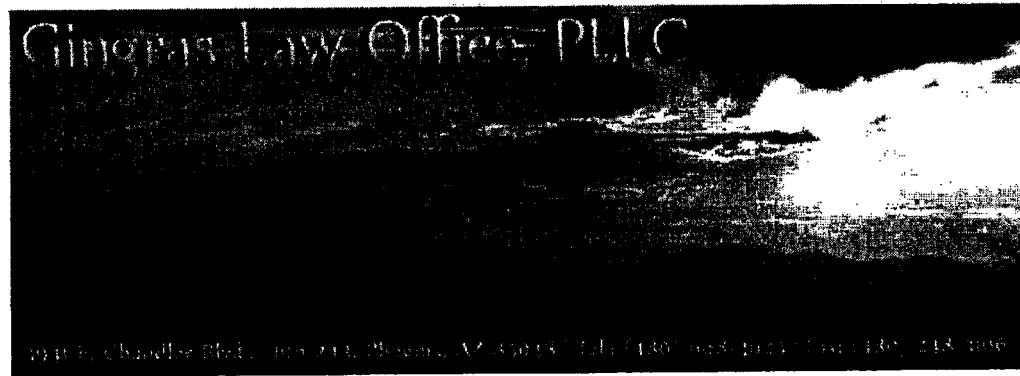
Thank you.

David S. Gingras, Esq.

David@GingrasLaw.com

Tel.: (480) 668-3623

Fax: (480) 248-3186



PROOF OF SERVICE

State of California, County of Los Angeles:

I am employed in the county aforesaid; I am over the age of eighteen years and my business address is: 633 West Fifth Street, 64th Floor, Los Angeles, California 90071.

On April 26, 2012, I served the foregoing document(s) on the interested parties in this action by email and U.S. Mail as follows:

David S. Gingras, Esq.
Gingras Law Office, PLLC
3941 E. Chandler Blvd., #106-243
Phoenix, Arizona 85048
David@GingrasLaw.com

VIA FACSIMILE

X VIA ELECTRONIC MAIL

X (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

— (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 26, 2012, at Los Angeles, California.

/s/ Lisa J. Borodkin
Lisa J. Borodkin